IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.26 OF 2007

Kewaljit Singh ..Petitioner

Vs.

Union of India & Ors. ..Respondents

Mr.H.R.Shetty i/b.H.R.Shetty & Co. for the Petitioner.
Mr.R.V.Desai, Senior Advocate with A.S.Rao for the Respondents.

CORAM :- DR.S.RADHAKRISHNAN &
J.P.DEVADHAR,JJ.

DATE : 21ST FEBRUARY,2007

P.C.

1. Heard the learned Counsel for the Petitioner and the learned Senior Counsel for the Respondents. By this Petition, the Petitioner is seeking to challenge the Order in Original dated 7th June,2004. However, the learned Counsel for the Petitioner states that he is ready and willing to pay the redemption fine and penalty on the enhanced value and submits that the Petitioner instead of exporting the goods, seeks release of the goods for home consumption.

2. The learned Senior Counsel for the Respondents brought to our notice that aggrieved by the said Order in Original, the Petitioner had already filed an Appeal before the Commissioner of Customs (Appeals)

and the same has already been decided on 18th October,2004, wherein the Commissioner (Appeals) had modified the order whereby the fine and penalty were reduced to Rs.75,000/- and 50,000/- respectively and also by that order, the lower Authority had allowed the Appellant to re-export the goods within three months from the order.

3. The learned Counsel for the Petitioner submits that the Petitioner is ready and willing to pay the redemption fine and penalty and interest and duty thereon.

4. Having regard to the aforesaid facts and circumstances of the case, the Petitioner is at liberty to approach the concerned Authority for release of the goods and the concerned Authority to consider the same and pass an appropriate order in that behalf. Accordingly, the Writ Petition stands disposed of.

(J.P.DEVADHAR,J.) **(DR.S.RADHAKRISHNAN,J.)**